
Commission of Inquiry
into
Residential Tenancies

# Constitutional Reference re: the Residential Tenancies Act

Daniel V. MacDonald

Research Study No. 4

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# THE

# RESIDENTIAL TENANCIES ACT

by

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The Residential Tenancies Act (1979 (Ont.) c. 78) was passed by the Legislature of Ontario on June 21, 1979; it was to come into force by proclamation on a day to be named. On August 17, 1979, the Lieutenant-Governor proclaimed Sections 1 to 4, 60, 61, 70 to 73, 75 to 110, 114, 115, 117, 118, 120 to 134, 137, 138, 139(2), 140, and 141. These sections, for the most part, deal with the operation and procedure of the Residential Tenancy Commission and its administration of the system of rent review outlined in Part XI of the Act. The remaining sections of the legislation relate primarily to differences that may arise between landlords and tenants. These sections have not been proclaimed as a result of decisions by the Ontario Court of Appeal and the Supreme Court of Canada in a constitutional reference dealing with certain important provisions of the Act.

This study examines those decisions, detailing what they covered and summarizing both the arguments advanced to the courts and the courts' reasons for their findings.

## INTRODUCTION

The Residential Tenancies Act established the Residential Tenancy Commission and attempted to give it the power to regulate and supervise all aspects of landlord and tenant relations. Provisions of the Act empowered the Commission to deal not only with rent review but also with all other issues arising between landlords and tenants, including matters, such as the payment of arrears in rent and the eviction of tenants, that county court judges had been dealing with for some time under the provisions of the Landlord and Tenant Act. It was hoped that the Residential Tenancies Act would contain, in language comprehensible to laypeople, a complete code of the law governing relations between landlords and tenants and that the Residential Tenancy Commission would administer this code in a flexible and inexpensive manner.

On July 18, 1979, the Lieutenant-Governor-in-Council of Ontario, pursuant to Section 1 of the Constitutional Questions Act (R.S.O. 1970, c. 79) referred to the Court of Appeal the following questions about whether the British

North America Act (1867) permitted the Legislature to give the Residential Tenancy Commission some of these powers:

> Is it within the legislative authority of the Legislative Assembly of Ontario to empower the Residential Tenancy Commission to make an Order evicting a tenant as provided in the Residential Tenancies Act. [Emphasis added.]
>
> Is it within the legislative authority of the Legislative Assembly of Ontario as provided in the Residential Tenancies Act, 1979 to empower the Residential Tenancy Commission to make Orders requiring landlords and tenants to comply with obligations imposed under the Act. [Emphasis added.]

The Ontario Court of Appeal answered both of these questions negatively in a unanimous decision released on February 21, 1980. An appeal by the Attorney-General for Ontario to the Supreme Court of Canada was dismissed in a unanimous decision of that Court released on May 28, 1981.

The Attorney-General for Ontario, joined in the Supreme Court of Canada by the attorneys-general for other provinces, argued in favour of the validity of the legislation. J.J. Robinette was appointed by the Court of Appeal to argue against validity. Interestingly, representatives of both landlords and tenants also opposed the legislation. Ian G. Scott and others argued against it on behalf of a number of tenant groups, and H. Julius Melnitzer on behalf of various landlord groups. Mr. Justice Brian Dickson noted this opposition of both landlords and

tenants in the Reasons for Judgement of the Supreme Court of Canada (123 D.L.R. (3rd) 554):

> Since the enactment in 1976 of the legislation assuring "security of tenure" the County Court Judges of Ontario have been dealing with matters arising out of that legislation, apparently with reasonable dispatch, as both landlords and tenants in the present proceedings have spoken clearly against transfer of jurisdiction in respect of eviction and compliance Orders from the Courts to a special commission.

## THE SCOPE OF THE CONSTITUTIONAL REFERENCE

The findings of the courts applied not to the entire Act but only to those portions related to the two questions submitted for consideration. (In explaining their decisions, both courts were careful to deal only with those particular questions. The Court of Appeal dealt with other aspects of the legislation to a greater extent than did the Supreme Court of Canada, but it did so only to provide background for its decision.) In fact, perhaps significantly for the purposes of the Commission of Inquiry into Residential Tenancies, both courts clearly indicated that the Act's Part XI, which relates to rent review, was not before them. The Ontario Court of Appeal, in its Reasons for Judgement (105 D.L.R. (3d) 193), stated:

> In addition to its duties of an advisory nature and in making the public aware of the benefits and obligations provided by the Act, the Commission, by Part XI of the Act, is charged with the administration of the provisions of the legislation relating to rent review, which are made applicable to all rent increase applications intended to take effect on or after December 1, 1979. This, however, appears to us to be an essentially administrative function and in our view it need not further concern any discussion or comment that follows.

In the Reasons for Judgement of the Supreme Court of Canada, Mr. Justice Dickson stated:

> In 1975 the Legislature of Ontario introduced The Residential Premises Rent Review Act, 1975 (Ont.), (2nd Sess.) c. 12, to establish rent control. The ability of the province to administer a rent review system, of course, in no way encroached on the traditional jurisdiction of the Section 96 Courts to order termination, eviction and compliance.

In other words, both courts were concerned only with those sections of the legislation that give Residential Tenancy Commissioners the power to order evictions or direct compliance with the Act. As Mr. Justice Dickson stated:

> The Residential Tenancy Commission is given a broad range of powers under the Act; in this reference as I have noted, we are concerned with only two, power to make an eviction order and power to make a "compliance" order. These powers recur constantly throughout the Act; there are 19 separate provisions which empower the Commission to make an eviction order and 17 separate provisions empowering the Commission to make a compliance Order. Illustrations of the former are

found in Section 36(2)(c) (eviction for non-payment of rent); Section 38(3)(b) (eviction for interference with safety or enjoyment of landlord or other tenants); Section 41(2)(c) (eviction for carrying on of illegal activity); and Section 51(1) (eviction where landlord requires premises for his own use or for sale). Illustrations of the latter power are found in Section 28(4)(a) (landlord may be ordered to comply with obligation to repair); Section 29(2)(a) (obligation to supply vital services); Section 37(2)(a) (tenant to repair damage willfully or negligently caused by him).

Given that the reference dealt only with the specific powers of eviction and compliance, it is important to note specifically the sections wherein the Act attempted to provide those powers to the Commission. The following sections gave the Commission the power to order an eviction:

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| Section 17(1) | Improper assignment or subletting: remedy |
| Section 20(2) | Overholding subtenant: remedy |
| Section 36(2)(c) | Failure to pay rent: remedies |
| Section 37(2)(e) | Responsibility for repair of damage: remedies |
| Section 38(3)(d) | Deemed interference by tenant: remedies |
| Section 39 | Prompt eviction for serious breach of tenant's obligations to the landlord or others |
| Section 41(2)(c) | Illegal activities: remedies |
| Section 42(2)(b) | Obligations of public-housing tenants: remedy |

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| Section 44(b) | Tenant's failure to comply with order of Commission |
| Section 49(a) | Enforcement of agreement or notice to terminate |
| Section 50 | Shared accomodation |
| Section 51(1) | Termination by landlord for own use or sale of premises |
| Section 52(a) | Termination for demolition, change of use, or major repairs |
| Section 54 | Tenants of educational institutions, employers, or condominiums |
| Section 55(1) | Tenants not in need of public housing |
| Section 55(2) | Tenants in need of public housing |
| Section 56 | Order of government authority |
| Section 59(3) | Caretaker who overholds: remedy |
| Section 68(2)(a) | Obligations of tenant (mobile-home park): remedies |

The following sections gave the Commission the power to make compliance orders:

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|---|---|
| Section 25(1)(3)(a) | Change of locks, rental unit: remedies |
| Section 28(4)(a) | Landlord's responsibility to repair: remedies |
| Section 29(2)(a) | Duty to not withhold vital services: remedies |
| Section 30(2)(a) | Duty to not interfere with safety or enjoyment: remedies |
| Section 31(3)(a) | No seizure of tenant's property: remedies |
| Section 32(4) | Notice of legal name of landlord, etc.: remedy |

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| Section 33(8) | Rent schedule: remedy |
| Section 34(2)(a) | Compliance with additional obligations: remedies |
| Section 35(3) | Entry by political canvassers: remedy |
| Section 37(2)(a) | Responsibility for repair of damage: remedies |
| Section 38(3)(a) | Duty to not interfere with safety or enjoyment: remedies |
| Section 40(4)(a) | Compliance with additional obligation: remedies |
| Section 41(2)(a) | Illegal activities: remedies |
| Section 42(3)(a) | Obligations of public housing tenants |
| Section 64(4)(a) | Compliance with obligations in mobile-home parks |
| Section 68(2)(a) | Obligations of tenant (mobile-home park): remedies |

In considering the effect of the two decisions, it is important to note that both courts simply said that the Residential Tenancy Commission could not be empowered to make the compliance and eviction orders set out in the sections listed above. The decisions do not state that it is necessarily unconstitutional to combine, in one piece of legislation, general provisions dealing with landlord and tenant matters and special provisions relating to rent review. However, neither court indicated how the provisions of the Residential Tenancies Act might be altered so as not to break the limitations imposed by Section 96 of the British North America Act.

## THE DECISION IN THE ONTARIO COURT OF APPEAL

This part of the paper will attempt to summarize very briefly the decision of the Ontario Court of Appeal and the reasoning it used in making that decision.

The Court began its reasons by noting that there was no doubt that the subject matter of the Residential Tenancies Act fell within the exclusive legislative jurisdiction of the province pursuant to Section 92 of the British North America Act. The doubts raised with respect to the legislation, it said, related solely to whether the provisions of the Act empowering Commissioners to make eviction orders and to order compliance conflicted with the provisions of Section 96 of the British North America Act, which states:

> The Governor-General shall appoint the Judges of the superior, district and county courts in each province, except those of the courts of probate in Nova Scotia and New Brunswick.

The Court then outlined the position taken by the Attorney-General for Ontario in support of the Act. His major submission was that the power to make the orders in question was only one of a broad array of powers and functions the Legislature had vested in the Residential Tenancy Commission. He urged the Court to look at these powers in the context of the Commission's overall duty to

supervise and regulate landlord and tenant relations. He submitted that the Commission's adjudicative function was not one it was to exercise as a court-like tribunal or as part of the judicial process. In support of this position, the Attorney-General contended:

1. That the Commission is not a court in the sense that the word is used in Section 96.

2. Even if the Commission is a court, it is a court of summary jurisdiction.

The Court then outlined the position taken by those who opposed the legislation. Basically, they argued that the powers in question were clearly judicial and intended to be exercised in a manner characteristic of the judicial process. They also argued that the power to make eviction and compliance orders was readily identifiable with a power vested in superior and county courts at the time of Confederation. Finally, those opposing the legislation argued that the impugned powers went to the heart of the Commission's role under the Residential Tenancy Act.

Before dealing specifically with the arguments, the Court postulated eight general principles that it said should be used as a guide in considering issues raised by Section 96 of the British North America Act. These principles were:

1. When the validity of provincial legislation is challenged under Section 96, the primary question that must be asked is:

> Are the powers or jurisdiction in issue analogous to, or do they broadly conform to, the kind of powers or jurisdiction historically exercised by Superior, District or County courts.

If the answer to that question is yes, the legislation is invalid.

2. In most cases, it is necessary to inquire into the kind of powers or jurisdiction exercised by superior, district, or county courts at the time of Confederation. Doing so is necessary to give Section 96 the scope and meaning intended at the time it was included in the British North America Act.

3. In some cases, however, the subject matter of the legislation did not exist at Confederation, so historical inquiry is not appropriate and other considerations must apply.

4. The validity of any particular piece of legislation is not to be determined solely on the basis of whether the powers at issue are "judicial", as opposed to "administrative", but the fact that powers are judicial cannot be

disregarded in determining whether the essential functions of the tribunal are similar to those of a court.

5. A judicial power, as opposed to one that is merely required to be exercised "judicially", is one that contemplates an adjudication of rights or obligations of parties in proceedings before curial or other tribunal that applies recognized rules and principles in a manner consistent with fairness and impartiality and makes decisions that bind the parties and are enforceable by law. Generally, however, it is not the apparatus of adjudication but the subject matter of the power that determines the issues raised by Section 96.

6. Provincially appointed tribunals can be vested with judicial powers if they are similar to powers held by courts of summary jurisdiction at the time of Confederation.

7. The fact that a tribunal is primarily entrusted with administrative functions and makes decisions of an administrative nature will not prevent a court from finding that legislation is invalid to the extent that it gives that tribunal some judicial powers. In this regard, the Court stated:

> Whether such a finding may be escaped will tend to depend on whether the judicial powers are seen to

> be merely incidents of, or adjuncts to, a scheme for the administration of a matter that is otherwise within provincial legislative competence, albeit that as incidents of or adjuncts to the scheme they may be necessary for its effective functioning.

8. If a legislative scheme deals with a subject matter that did not exist in 1867, the legislature must select the kind of tribunal appropriate to exercise the powers conferred by the legislation. In doing so, the legislature must decide whether the powers are of such a nture that they ought to be exercised by a Section 96 judge with the qualifications such a person normally holds or whether they should be exercised by a provincially appointed tribunal whose members possess specialized knowledge or experience. The correctness of this decision will be tested in the manner set out above.

Following this review of principles, the Court examined the legislative scheme of the Residential Tenancies Act and described the operation of the Commission.

The Court engaged in an historical inquiry and found that the powers given to the Commission to make eviction and compliance orders were similar to those exercised by superior courts and county judges at the time of Confederation. The Court stated:

> With regard to the Commission's power to make Orders for the eviction of tenants, there is, we think, a direct counterpart in the powers

> exercised by a Superior Court before Confederation in actions of ejectment and by County Judges in summary proceedings brought by landlords seeking to be put in possession, albeit that the grounds on which recourse may now be claimed are significantly broader than before. The same holds true with regard to the Commission's power to make Orders requiring compliance with obligations imposed under the 1979 legislation, which finds a direct although limited counterpart in the powers of the courts before 1867, in certain circumstances of non-compliance with contractual or other obligations of landlords or tenants, to award damages or specific performance, or to grant injunctive relief.

The Court then dealt with the contention by the Attorney-General for Ontario that the Commission was not a court. The Attorney-General had based this contention on the following submissions:

1. In some cases, the Commission would be dealing with matters or disputes brought before it not by the landlord or tenant but by a third party, a situation not usually found in courts.

2. Most of the matters that the Commission would deal with would not be matters of high importance.

3. The Commission was to conduct proceedings without formality and to adopt the most expeditious method of determining questions that arose in any proceedings. Decisions would be made on the basis of the real merit and

justice of each case. In addition, the Commission, unlike a court, would be made accessible to landlords and tenants by remaining open on weekends, evenings, or holidays.

4. The Commission, unlike a court, might act as an inquisitorial body.

5. The Commission would be bound by the Statutory Powers Procedure Act and not by the strict rules of evidence followed in courts.

The Ontario Court of Appeal, did not accept these submissions. It held that, for the most part, the Legislature did not intend the Commission to intervene on its own initiative in disputes between landlords and tenants. Generally, it was to become involved only when one party or the other invoked its jurisidiction. The Court noted that although some of the issues coming before the Commission would not be matters of "high importance", others would be of great substance to the parties. In addition, it found that many of the issues that the Commission would face would be far from simple, requiring difficult findings of fact and application of law. The Court held that even though the Commission was bound to follow the most expeditious method of determining the question in dispute and to decide issues on the real merits and justice of the case, it was still

bound by law and precedent. It noted that the Commission was not far removed from courts, which are often empowered to make orders on the basis of what is just and fair. With respect to the inquisitorial powers given to the Commission, the Court noted that they were necessary primarily to enable the Commission to attempt to settle issues prior to a hearing; these powers, it noted, were not vital to the Commission's duty to arrive at resolutions of disputes between landlords and tenants and to make orders binding upon the parties. The Court found no significance whatever in the fact that the Statutory Powers Procedure Act was expressly designated to govern Commission proceedings since the Commission, given the powers it was to exercise, would have been bound to comply with that Act in any event. In conclusion, the Court stated:

> ...We do not think it can successfully be contended that the Commission, in exercising the powers conferred on it by the Act to make decisions and Orders in matters in dispute between landlords and tenants, does so within an institutional framework and an operational setting so unlike a Court that no comparison of its powers with those exercised by a court can validly be made for any purpose relevant to the issue before this court. We are therefore of the opinion that the first contention of counsel for the Attorney-General cannot prevail to determine that issue.

The Attorney-General had also argued that if the Commission was held to be like a court, then it was like a

court of summary jurisdiction, rather than a Section 96 court. This argument was not based on the contention that summary jurisdiction courts made orders of the kind the Commissioners were empowered to make, but rather that eviction and compliance orders had been made by county or district court judges acting as persona designata. In rejecting this argument, the Court relied on the recent Supreme Court of Canada decision in Herman et al vs. Deputy Attorney-General for Canada ((1979) 91 D.L.R. (3d) 3). The Court cited with approval Mr. Justice Dickson's comment there:

> Prima facie, Parliament should be taken to intend a Judge to act qua Judge whenever by statute it grants powers to a Judge. He who alleges that a Judge is acting in the special capacity of a persona designata must find in the specific legislation provisions which clearly evidence a contrary intention on the part of Parliament. The text to be applied in considering whether such a contrary intention appears in the relevant statute can be cast in the form of a question: Is the Judge exercising a peculiar, and distinct, and exceptional jurisdiction separate from and unrelated to the tasks which he performs from day to day as a Judge, and having nothing in common with the Court of which he is a member?

The Court applied this test and found no evidence that the provisions empowering county judges to make such orders before Confederation empowered them to do so as persona designata.

The Court then dealt with the contention that the powers to be exercised by the Commission were new and that, therefore, the Court should not be guided solely by whether they were analogous to those exercised by Section 96 judges at the time of Confederation. The Court rejected this submission, noting that the fact that the grounds for making eviction or compliance orders might be different did not, in and of itself, make the powers new. The Court stated:

> It therefore appears to us to be an inescapable conclusion that in large measure, the powers so conferred on the Commission not only "broadly conform" to those powers until now exercised by Section 96 Courts, but are in fact those very powers, either unchanged or changed only to the degree necessary to allow for them more flexible application in the manner indicated.

The Court concluded by dealing with the argument that the powers given the Commission were primarily administrative, rather than judicial. The Court also rejected this submission, stating:

> The fact that the Legislature has seen fit to intermix with the Commission's judicial powers other duties and functions cannot, we think, alter the essential nature or quality of those powers, or lend them to an immunity from scrutiny in the light of Section 96 which they could not expect to enjoy if they stood alone.

The Court found that the impugned powers given to the Commission were not mere incidents of an overall scheme but

rather core elements of the Commission's overall authority to decide matters in dispute between landlords and tenants.

## THE DECISION OF THE SUPREME COURT OF CANADA

The Supreme Court of Canada began its Reasons for Judgement with a brief review of Ontario landlord and tenant law and the changes in it during the years preceding the reference. The Court then dealt with the provisions of Section 96 of the British North America Act; Mr. Justice Dickson, speaking on behalf of the Court, summarized their effect by stating:

> Section 96 has thus come to be regarded as limiting provincial competence to make appointments to a tribunal exercising Section 96 judicial powers and therefore as implicitly limiting provincial competence to endow a provincial tribunal with such powers.

The Court then reviewed some of the case law interpreting Section 96 over the years and concluded that deciding whether a particular piece of legislation is valid now involves three steps:

1. The first step involves an historical inquiry. If it shows that the power given a provincial tribunal is not similar or analogous to a power formerly exercised by Section 96 courts, the matter is concluded and the

legislation is valid. If, on the other hand, historical evidence shows that the impugned power is identical or analogous to that exercised by a Section 96 Court at Confederation, the process must go on to the second step.

2. Step two requires that the function at issue be appraised within its institutional setting in order to determine whether it should still be considered judicial in that institutional setting. The question of whether the function is judicial is not to be determined solely on the basis of procedural trappings. Rather, the issue relates to the nature of the questions that the tribunal is called upon to decide. As Mr. Justice Dickson stated:

> Where a tribunal is faced with a private dispute between parties, and is called upon to adjudicate through the application of a recognized body of rules in a manner consistent with fairness and impartiality, then, normally, it is acting in a judicial capacity.

If the power is not a judicial power, then the legislation is valid and the inquiry need go no further. If, on the other hand, the power is exercised in a judicial manner, it is necessary to proceed to the third step.

3. The third step, said the Court, requires a review of "the tribunal's function as a whole in order to appraise the

impugned function in its entire institutional context". Mr. Justice Dickson explained what was meant:

> What must be considered is the "context" in which the power is exercised. Tomko leads to the following result: it is possible for administrative tribunals to exercise powers and jurisdiction which once were exercised by the Section 96 Courts. It will depend on the context of the exercise of the power. It may be that the impugned "judicial powers" are merely subsidiary or ancillary to general administrative functions assigned to the tribunal ... or the powers may be necessarily incidental to the achievement of a broader social policy of the Legislature.... In such a situation, the grant of the judicial power to provincial appointees is valid. The scheme is only invalid where the adjudicative function is the sole or central function of the tribunal ... so that the tribunal can be said to be operating "like a section 96 Court".

After outlining this three-part inquiry, the Court applied it to its review of the Residential Tenancies Act.

With respect to the first part of the inquiry, the Supreme Court of Canada agreed with the Court of Appeal and found that the Commission's powers to order evictions or compliance were analogous to and in broad conformity with the kind of powers and jurisdiction historically exercised by superior, county, or district courts. In making this finding, the Supreme Court of Canada rejected the Attorney-General's argument that superior or county court judges exercised these powers as persona designata. The Court also rejected the argument that courts of summary jurisdiction similar exercised similar powers. (This part

of the argument seems to have been put somewhat differently in the Supreme Court of Canada than it had been in the Court of Appeal. The suggestion appears to have been that since the Residential Tenancy Commission was to proceed in a summary manner under a statute that uses layman's language, its jurisdiction would be analogous to that of a court of summary jurisdiction.)

In the second part of the inquiry, the Court concluded that the impugned powers, when viewed in their institutional setting, were essentially judicial. The Court noted that, with very few exceptions, the powers of the Commission under the Residential Tenancies Act would be invoked in the course of applications put forth by the parties concerned. It also noted that the Commission would not have complete discretion to set matters right; rather, it could only invoke the remedies and substantive provisions found in the Act and would be bound to follow certain principles of contract and land law. Like the Court of Appeal, the Supreme Court of Canada was not persuaded that the Commission would not exercise judicial powers simply because it had some authority to act as an inquisitorial body.

The Court then went on to step three, an examination of the relationship between the Commission's judicial powers and its other powers and jurisdiction under the Act. It had been argued that the Commission was essentially an administrative body charged with supervising and regulating

all relations between landlords and tenants in Ontario and that its role of adjudicating disputes would be a merely subsidiary or ancillary aspect of a broader role. This submission was rejected by the Supreme Court of Canada, which noted that the Commission's central function was to be resolving disputes through hearings between landlords and tenants. Mr. Justice Dickson stated:

> It appears upon reading the Act as a whole that the central function of the Commission is that of resolving disputes, in the final resort by a judicial form of hearing between landlords and tenants. The bulk of the Act is taken up with defining the rights and obligations of landlords and tenants and with prescribing a method for resolving disputes over those obligations. Dispute resolution is achieved through application to the Commission. It is true that the Commission is granted the power to mediate the dispute before it is obliged to hold a hearing, but the Commission will ordinarily have no right or duty to act as mediator unless invited to do so by one of the parties. If one party does not wish to settle, then a judicial hearing must be held and a Judgment rendered. The other functions of the Commission are either ancillary to this function (i.e. the power to recommend policy or to advise the parties) or are separate and distinct from this core power, and bear no relation to it (i.e. the power was over rent review).

It is interesting to note that in this third stage of the inquiry, the Court found that the Commission was not a specialized agency since there was no requirement for any particular training or occupational experience for those who were to be appointed Commissioners.

Like the Court of Appeal, the Supreme Court of Canada noted that the impugned powers were at the core of the powers and functions the Legislature sought to give to the Commission.

In concluding its reason and dismissing the appeal, the Supreme Court responded to an argument advanced by the Attorney-General that the court system was too formal, cumbersome, and expensive to deal with the matters set out in the Residential Tenancies Act. Mr. Justice Dickson responded:

> ... I am neither unaware of, nor unsympathetic to, the arguments advanced in support of a view that Section 96 should not be interpreted so as to thwart or unduly restrict the future growth of provincial administrative tribunals. Yet, however worthy the policy objectives, it must be recognized that we, as a Court, are not given the freedom to choose whether the problem is such that provincial, rather than federal, authority should deal with it. We must seek to give effect to the Constitution, as we understand it, and with due regard for the manner in which it has been judicially interpreted in the past. If the impugned power is violative of Section 96, it must be struck down.

## CONCLUSION

The court decisions described above made it clear that the Legislature could not proclaim a number of sections of the Residential Tenancies Act without violating the provisions

of Section 96 of the British North America Act. As a result, jurisdiction over all aspects of landlord and tenant matters except rent review remains with county court judges. Although all the provisions of the Act are set out in the Revised Statutes of Ontario, 1980, generally speaking only those provisions relating to rent review are in effect. Part IV of the Landlord and Tenant Act remains in force and governs more general legal relations between landlords and tenants.